



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

April 5, 2006

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

David J. McWilliams
Northeast Area Manager
ExxonMobil Pipeline Company
52 Beacham Street
Everett, MA 02149

**URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE**

Re: Clean Air Act Testing Order
Docket No. AAA-06-0021

Dear Mr. McWilliams:

The United States Environmental Protection Agency (EPA) is evaluating whether the ExxonMobil Pipeline Company (ExxonMobil) facility located at 52 Beacham Street in Everett, Massachusetts is in compliance with applicable state and federal requirements under the Clean Air Act (the Act). ExxonMobil owns and/or operates a gasoline bulk terminal which is subject to the Commonwealth of Massachusetts' federally-enforceable State Implementation Plan, the New Source Performance Standard (NSPS) for gasoline bulk terminals at 40 C.F.R. Part 60, Subpart XX and the National Emission Standards for Hazardous Air Pollutants (NESHAP) at 40 C.F.R. Part 63, Subpart R.

Section 114(a)(1) of the Act, 42 U.S.C. Section 7414(a)(1), gives EPA the authority to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether a facility is in compliance with the Act.

This letter orders ExxonMobil to conduct a volatile organic compound (VOC) emissions test of its vapor collection and vapor processing system. The emissions test shall be conducted, and the results reported, in accordance with the following procedure and schedule.

Within seven days of receipt of this Testing Order, contact EPA's Jerry Keefe at (617) 918-8376 to discuss the pre-test protocol and the scheduling of a pre-test conference.

Within 35 days of receipt of this Testing Order, prepare and mail to EPA and the Massachusetts Department of Environmental Protection (MA DEP) a pre-test protocol for testing the vapor capture and vapor processing system. ExxonMobil shall test the vapor

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capture and processing system in accordance with the appropriate methods in 40 C.F.R. Part 60, Subpart XX and 40 C.F.R. Part 63, Subpart R.

Within 90 days of receipt of this Testing Order, conduct a VOC emission tests on the vapor collection system and the vapor processing system.

Within 30 days of completing the test, submit the completed test report to EPA and MA DEP. Included with the test report, ExxonMobil shall also submit:

- A description of any maintenance (or other repairs or changes) done on the vapor capture system, the vapor recovery unit, or other associated equipment between the date of receipt of this letter and the EPA-observed emissions test date, including a description of the reason(s) for such maintenance; and
- The data and results from any pre-test sampling and/or engineering studies ExxonMobil elects to conduct on the vapor capture system, the vapor recovery unit, and/or associated equipment between the date of receipt of this letter and the EPA-observed emissions test date, and any memos or reports that summarize the results of the same.

Attachment A to this Testing Order provides lists of guidelines for pre-test protocols and post-test final reports. In specific circumstances, EPA may request additional information.

Submissions required by this letter shall be mailed to all of the following:

Elizabeth A. Kudarauskas US EPA Region I Mail Code SEA One Congress Street Suite 1100 Boston, Massachusetts 02114	Jerry Keefe US EPA Region I Mail Code EIA 11 Technology Drive North Chelmsford, MA 01863-2431	Ed Pawlowski Massachusetts Department of Environmental Protection 205B Lowell Street Wilmington, MA 01887
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Be aware that if ExxonMobil does not provide the requested information and conduct the required tests in a timely manner, EPA may order it to comply and may assess monetary penalties under Section 113 of the Act, 42 U.S.C. Section 7413. Federal law also establishes criminal penalties for providing false information to EPA. This letter is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

ExxonMobil may, if desired, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R §2.203(b). Note that certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public by EPA without further notice to ExxonMobil. Please be aware that the Commonwealth of Massachusetts may have different rules and regulations governing the protection of confidential business information.

If you have any questions regarding this Testing Order, please contact Environmental Engineer Elizabeth Kudarauskas, at (617) 918-1564, or have your attorney call Enforcement Counsel Gregory Dain at (617) 918-1884.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen S. Perkins". The signature is fluid and cursive, with the first name "Stephen" being more prominent.

Stephen S. Perkins, Director
Office of Environmental Stewardship

cc: Jerry Keefe, EPA OEME
Ed Pawlowski, MA DEP

Enclosure